further step was taken with the creation of a Syrian Federation which included the States of Damascus, Aleppo and the Alawis, but not those of Greater Lebanon and Jebel Druze. The Federation was given wide legislative powers, exercised through a Federal Council composed of delegations elected by the Representative Councils which were established in the member-states. At its first meeting the Council elected as its President Subhi Barakat, an Antiochene of Turkish origin.

The Federation did not work satisfactorily. The States of Damascus and Aleppo desired a closer form of union, and certain elements in that of the Alawis one less close. In December, 1924, General Weygand, who had succeeded General Gouraud as High Commissioner in April, 1923, dissolved the Federation. As from January, 1925, the two States of Damascus and Aleppo were combined into a single State of Syria, of which the capital was Damascus and within which the Sanjaq of Alexandretta continued to possess a special régime. The State of the Alawis resumed its separate existence without any direct connexion with the new Syrian State.

Thus from the beginning of 1925 onwards the Mandated Territories were divided into four different political units: the State of Greater Lebanon, known later as the Lebanese Republic; the State of Syria, later called the Syrian Republic and including the partly-autonomous Sanjaq of Alexandretta; the State of the Alawis, known from 1930 as the Government of Latakia; and the Government of Jebel Druze. This organization continued unchanged until 1936, when Latakia and Jebel Druze were formally annexed to Syria; in 1939 they were again given almost complete autonomy, but in 1942 were once more attached to the Syrian State.

The judicial system was complex and not altogether satisfactory. Many although by no means all matters of personal status—for example, marriage and divorce—continued to be subject to the jurisdiction of the tribunals of the religious communities. All other matters were subject to the jurisdiction of the civil courts, administering a system of law based partly upon Islamic jurisprudence and partly upon modern European codes. In cases in which only citizens of the Mandated Territories were concerned, the personnel of the courts was almost wholly indigenous. But cases involving citizens of foreign States or their interests were taken before the 'mixed

11: Hourani S-4 (no date) 1946 MD1 Syria MD1

671 courts', of which the personnel was partly French and only
692 partly indigenous; this system replaced that of the 'capitulations' which had existed in the Ottoman Empire and of which the operation was suspended so long as the Mandate should continue.

8

648 The declarations of Syrian and Lebanese independence in
642 1941 have been gradually followed by a partial extension of self-government. Although the Mandate has not yet been formally extinguished, strict Mandatory control no longer exists. During the years from 1918 to 1941, during which France exercised this control, her efforts were attended with some success, but in general met with failure.

185 Briefly stated, the achievement of France was to bring into existence in Syria and Lebanon some of the essential conditions which would make possible the transition from a medieval to a modern society. Law and order were firmly established, even in backward regions where civil government existed scarcely or not at all in Turkish days. The improvements which were effected in the system of
491 communications assisted this process. Good trunk-roads
185 now link the main towns, and subsidiary roads have opened up the countryside to motor-traffic. These and other improvements have served not only to increase the efficiency of government but also to diminish local differences and prejudices.

652 The system of public finance was reduced to some sort of
185 order. It was placed on a comparatively reasonable basis, although there are still serious flaws, as for example the regressive incidence of taxation. On the whole budgets balanced; and after the share of the French Mandated Territories in the Ottoman Debt was paid off in 1933 they had no public debt at all.

185 The improvements in public order and administration made possible an extension in the area of cultivation. The nomads were no longer allowed to raid the settled land, and were being gradually induced to become peasants. Some of the areas which they formerly dominated were thus opened up to agriculture; this was especially marked in the Syrian Jazirah.

185 For the first time for many centuries, the religious minorities
795 were treated on a level of full equality with the Sunni Moslems in all official matters, judicial and administrative alike. (Some

by the Supreme Court on the accusation of such activity attributed to them.

Parliament is composed of one Chamber of Deputies (Majlis), elected on the basis of direct universal suffrage (including women) for a term of four years. It convenes from October 1 to December 31 and from March 1 to May 15, and each year elects its President on the basis of absolute majority. The Deputies represent the entire nation and not their own constituencies. As in the case of the Ministers, the Deputies are not permitted to exploit their positions in any business transaction with the Government. Legislation, other than financial bills, may be initiated by Parliament or by the President with the approval of the Cabinet; but financial bills which involve reduction of taxes or expenditures of funds must be proposed either by 20 members of Parliament or by the President with the approval of the Cabinet. Article 59 stipulates that Parliament "shall not cede its legislative powers." This article, it seems, was inserted to ensure that Parliament would not follow the example of the Constituent Assembly in delegating legislative, in addition to executive, powers to the Government and thus pave the way toward the realization of a dictatorial regime. If one-fourth of the members of Parliament object to the constitutionality of a bill before its promulgation, or if the President does so, then it is suspended until the Supreme Court passes a decision regarding its constitutionality. If the Supreme Court decides within 10 days that the bill is unconstitutional, it is returned to Parliament for reconsideration.

The judicial system is designed to be free from interference by any other governmental agency. "The honor, conscience, and integrity of the judges are guaranteed for the right and freedom of the people." (Article 105.) The judicial power is exercised by three types of courts: (1) the Supreme Court; (2) the Court of Cassation; (3) ordinary tribunals. The Supreme Court is composed of 7 members to be elected by Parliament from a list of 14 nominees chosen from among highly qualified judges. The members of the Supreme Court are elected for 5 years and are eligible for re-election. They are independent and cannot be discharged except by a decision of the Supreme Court itself.

15: Khadduri S-4 (no date) 1951 MDl Syria MDl

The functions of the Court are: (1) to consider the constitutionality of laws, decrees, and any administrative decisions; (2) to conduct the trial of the President of the Republic and the Ministers; and (3) to examine the validity of elections.

For the purpose of the appointment, promotion, transfer, and discharge of judges or the various courts other than the Supreme Court, a High Council of Judges is provided, composed of the President of the Supreme Court, two members of the Supreme Court, and the highest ranking four judges of the Court of Cassation. The Council is set up to ensure that the judicial authority is kept independent of the influence of the Government.

The Constitution provides, likewise, detailed provisions for the division of the country into administrative units and for local provincial government and municipal administration. It also provides rules for the preparation of the budget and the procedure of its introduction to Parliament, as well as other measures related to financial policy. An interesting provision related to the economic development of the country is the establishment of a Permanent Economic Council for the purpose of formulating plans for the development and exploitation of the economic potentialities of Syria.

Probably the most interesting innovation of the Constitution is its Bill of Rights comprising 28 articles which define with considerable detail the fundamental principles of freedom and the social and economic rights of the individual citizen. The numerous provisions stressing liberty and equality of the individual and the freedom of the press may seem superfluous, but they are deemed worthy of emphasis in view of the authoritarian tendency in the administration since the establishment of the national regime.

Article 21 marks a radical departure from the principle of the existing social-economic system. In this article, property is defined as both "public" and "private"; and the State like the individual may possess property within the limits of the law. As to private ownership, "the method of its possession and disposal shall be specified by law in such a manner as to make it perform its social function." Further, no individual is to be permitted to "utilize his private ownership in a manner inconsistent

44:Matthews and Akrawi 5, G-3 (1945-1946)1949 MI Middle East
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872 873 sectarian schools, schools controlled by societies and groups, and schools controlled by individuals.

The first class of schools is that maintained by religious groups, the clergy, or by lay organizations having a religious motive. The second are conducted by groups having a philanthropic or national aim, often without regard to religious affiliation, and the last, those conducted by individuals, may be philanthropic or national in aim, but are often established to secure a livelihood or personal gain for the founder.

TABLE 69

DISTRIBUTION OF PRIVATE PRIMARY SCHOOLS ACCORDING TO RELIGIOUS CONTROL, SYRIA, 1944–45*

DENOMINATION OF CONTROLLING AUTHORITY	NO. OF SCHOOLS				ENROLLMENT		
	Boys	Girls	Coeducational	Total	Boys	Girls	Total
Muslim	53	15	9	77	11,146	3,518	14,664
Catholic (Greek, Syrian, Chaldean, Maronite, and Armenian)	49	12	10	71	5,128	2,673	7,801
Orthodox (Greek, Syrian, and Armenian)	50	11	50	111	10,129	6,542	16,671
Protestant (Syrian and Armenian)	2	...	15	17	942	754	1,696
Jewish	3	...	1	4	822	24	846
Miscellaneous	1	2	4	7	633	699	1,332
Total	158	40	89	287	28,800	14,210	43,010

* Figures from Sati' al-Husri, *Reports . . . 1945*, pp. 43–44.

873 795 [692] In the sectarian category fall the schools maintained by the Waqf department for the training of Muslim religious teachers as well as judges and clerks for the Muhammadan law courts. There are 5 of these schools, enrolling 424 students. Such schools are, however, actually public schools since they are supported by Waqf funds. The Ministry of Education pays nothing toward their maintenance and consequently classes them as private.

Some of the schools are of hardly more than primary standard. Two, however—1 in Damascus and 1 in Aleppo—are of a higher standard. The *Shari'ah* college in Damascus was founded by the Body of 'Ulama in 1942. It is still in the process of development. In 1945–46, it had 140 students, of whom 85 were boarders from the various parts of Syria. Admission is from the primary school, and the plan is to have a series of three courses, one above the other. The first course of six years would be a kind of religious secondary course to prepare clerks for the Muhammadan law courts and teachers of religion for the elementary schools. A higher course of four years would aim at training higher clerks for the courts, preachers, minor judges, and teachers of Arabic and religion for secondary schools. Finally,

57: Davis S-4 (no date)1953 M1 Middle East
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Art. 101. The offices of a Deputy and a Minister may be held simultaneously. 642 645

Art. 102. The emoluments of the Prime Minister and the Ministers shall be fixed by a law.

Art. 103. (1) There shall be established a "Bureau of Inspection" attached to the Presidency of the Cabinet.

(2) This Bureau shall communicate to the Presidency of the Chamber copies of the reports of its inspectors and their conclusions together with its own observations.

(3) The classification of the members of this Bureau, their prerogatives and immunities shall be defined by a law.

Chapter V

The Judicial Power

Art. 104. The Judiciary is an independent authority. 642

Art. 105. (1) Judges are independent. The only authority above them in the exercise of their power is Law. 692

(2) The honour of the judges and their moral conscience and integrity constitute a guarantee for the rights of the people and their freedoms.

Art. 106. Before assuming office a judge shall swear that he will mete out justice to the people and that he will observe the law.

Art. 107. Judgments shall be rendered in the name of the People of Syria and shall state the grounds on which they were reached.

Art. 108. Judicial powers shall be exercised by:

(1) The Supreme Court

(2) The High Court of Appeal

(3) All other Courts

Art. 109. All judges shall be appointed by a decision of the "Supreme Judiciary Council" and in accordance with the law.

Art. 110. The promotion of judges, their transfer, disciplinary measures to be taken against them and their dismissal shall be governed by a decision of the Supreme Judiciary Council in accordance with the law.

Art. 111. The institution of public prosecutions is a judicial function. It shall be headed by the Minister of Justice.

Art. 112. The public prosecutor shall be the guardian of justice,

57:Davis S-4 (no date) 1953 M1 Middle East
SYRIA MD1

642 alert to enforce laws, to pursue those who violate them and to enforce
692 penal sentences against them.

Art. 113. The appointment of public prosecutors, their promotion, their transfer, disciplinary measures to be taken against them, and their dismissal shall be fixed by law.

Art. 114. The classification of Civil and Military Courts, their grades and salaries of judges shall be fixed by a law.

Art. 115. The classification of clerks and officers of the Courts shall be fixed by a law. Their appointment, promotion and dismissal shall come under the jurisdiction of the Ministry of Justice.

I.

THE SUPREME COURT

Art. 116. (1) The Supreme Court shall consist of seven members elected by the Chamber of Deputies from a list containing fourteen names.

The President of the Republic shall select the candidates for this office from highly qualified individuals who have high university degrees and have completed the fortieth year of their age.

(2) Election shall take place in a special session of the Chamber of Deputies and within ten days of the receipt of the list by the Chamber. Each voting paper shall contain seven names.

(3) At the first ballot, he who receives an absolute majority of the total members of the Chamber shall be considered elected.

(4) At the second ballot, the majority of those present shall be sufficient.

(5) At the third ballot, a relative majority shall be sufficient.

Art. 117. Incompatibilities between the office of members of the Supreme Court and other functions shall be determined by law.

Art. 118. (1) A member of the Supreme Court shall be elected for a five-year term and may be re-elected.

(2) A member of the Supreme Court may not be dismissed except by virtue of a decree approved by four or more of its members.

Art. 119. The Supreme Court shall elect from its members and by a vote of its absolute majority a President for a five-year term.

Art. 120. (1) Should a seat in the Supreme Court become vacant

57: Davis S-4 (no date)1953 MI Middle East
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for some reason, the Chamber of Deputies shall elect a successor from a list containing three times the number of vacancies. The President of the Republic shall select that list.

(2) Selection and election shall be made in accordance with the stipulations of Article 116 hereof.

Art. 121. Before entering into office, the President and members of the Supreme Court shall take solemnly in the presence of the Chamber of Deputies and in a special session attended by the President of the Republic the following oath:

> "I swear by Almighty God to observe the Constitution and laws of the country and to discharge my duties in equity and integrity."

Art. 122. (1) The Supreme Court shall consider and decide definitively on the following matters:

(a) The constitutionality of laws referred to it in accordance with Article 63.

(b) The constitutionality and legality of draft decrees referred to it from the President of the Republic.

(c) The impeachment of the President of the Republic and of the Ministers.

(d) Petitions against the validity of elections.

(e) Petitions to suspend or to nullify administrative acts, decisions or decrees inconsistent with the Constitution, with laws, or with organizational decrees, when such petitions are submitted by individuals who may suffer loss from the application thereof.

(2) The procedure for investigating and deciding on the hereinbefore mentioned matters shall be determined by law.

2.

THE SUPREME JUDICIAL COUNCIL

Art. 123. The Supreme Judicial Council shall be formed of seven members as follows:

(a) The Chief Justice of the Supreme Court as President.

(b) Two members of the Supreme Court.

(c) The four highest ranking judges from the High Court of Appeal.

Art. 124. (1) The President of the Supreme Judicial Council

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shall propose to this Council the nomination, promotion, transfer, dismissal of judges and disciplinary measures to be taken against any of them when necessary in accordance with law. The Council shall decide on such proposals by a vote to be taken by its absolute majority.

(2) The President shall draft and sign decrees upon decisions taken by the Supreme Judicial Council, and refer such decrees to the Minister of Justice in accordance with the stipulations of Article 80 hereof.

Art. 125. The Supreme Judicial Council shall propose bills concerning the immunity of judges, the procedure for their appointment, promotion, transfer, dismissal and disciplinary measures against them.

Chapter VI

Administrative Divisions

Art. 126. The Republic of Syria shall be divided into Muhafazats; their number, sub-divisions and boundaries shall be determined by a law.

Art. 127. Laws shall be based on the principle of decentralization for heads of administrative units and chiefs of departments in the Capital and in the Muhafazats.

Art. 128. (1) There shall be established a Council in each Muhafazat; three-quarters of its members shall be elected and the other quarter shall be appointed.

(2) The term of the Council, the number and eligibility of its members, and its electoral procedure shall be determined by law.

(3) The Muhafazat Council shall elect its President and an Executive Secretariat whose term of office, powers and procedure shall be determined by law.

Art. 129. The main tasks of the Muhafazat Council shall be to contribute towards promoting the following objectives:

(1) To fight disease by expanding free medical care and by protecting motherhood and childhood.

(2) To combat ignorance by establishing nurseries, primary, elementary and vocational schools, by teaching illiterates and by promoting education.

(3) To secure potable waters in villages and cities. To open local roads and to spread the use of electricity.